



PATENT
Customer No. 22,852
Attorney Docket No. 07553.0030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)	
)	
U.S. Patent No.: 5,792,261)	Confirmation No. 1598
)	
Inventor: Kiichi HAMA et al.)	
)	Group Art Unit: 1763
Issued: August 11, 1998)	
)	Examiner: L. Alejandro Mulero
Serial No.: 09/478,370)	
)	
Filed: February 16, 2000)	
)	
For: PLASMA PROCESS)	
APPARATUS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CONSIDERATION OF LISTING OF CLAIMS
AND SUBMISSION OF SUPPLEMENTAL DECLARATION
UNDER 37 C.F.R. § 1.175 FILED ON AUGUST 12, 2004**

This is a reissue application of U.S. Patent 5,792,261. On November 13, 2003, Applicants filed an Amendment After Final in response to the Final Office Action dated August 13, 2003. In the absence of receipt of an Advisory Action from the Office, Applicants filed a Notice of Appeal on February 13, 2004, together with a Petition for Three-Month Extension of Time and requisite fee. In the absence of still no communication from the Office, Applicants filed a Status Request on February 24, 2004. Applicants' counsel was advised by telephone that this case would be allowable if Applicants surrendered the original Letters Patent and submitted a Supplemental

Declaration under 37 C.F.R. § 1.175. Applicants submitted the requested documents on May 13, 2004, together with a Petition for One-Month Extension of Time and requisite fee.

On July 13, 2004, Applicants' counsel was advised in a telephone conversation with the Examiner that a revised Declaration and Submission of Listing of Claims would place this case in condition for allowance. Applicants filed the requested documents on August 12, 2004, together with a Petition for a Four-Month Extension of Time and requisite fee.

To date, Applicants still have not received a Notice of Allowance or any other written communication from the Office.


On September 13, 2004, the Examiner advised Applicants' counsel that a Notice of Allowance had been prepared in the Office's electronic document system, but had been dated September 14, 2004, which is past the final due date for filing an Appeal Brief. According to the Examiner, the Notice of Allowance date cannot be changed. The Examiner advised that Applicants' counsel, in order to keep this case alive one (1) day until the Notice of Allowance is mailed, file a Request for Continued Examination, together with a Submission requesting the Examiner to consider the August 12, 2004 Submission of Listing of Claims and Submission of Supplemental Declaration under 37 C.F.R. § 1.175. Applicants, therefore, respectfully request that the Examiner consider the documents filed on August 12, 2004, and move this case forward to issue.

If any additional fees are required to enter this response, please charge them to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 13, 2004

By: 
James W. Edmondson
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